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REMARKS

New Power of Attorney

A REVOCATION AND POWER OF ATTORNEY was submitted on March 26, 2007 whereby the attorneys associated with CUSTOMER NUMBER 22830 were identified as new counsel of record for the present application. Submitted concurrently with the aforementioned REVOCATION AND POWER OF ATTORNEY was a REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS executed by previous counsel of record. That REQUEST, too, named the attorneys associated with CUSTOMER NUMBER 22830 as the new counsel of record for this matter. The Examiner's assistance is respectfully solicited with respect to entry of CUSTOMER NUMBER 22830 as the new counsel of record to properly ensure all future correspondence is delivered to new counsel in a timely manner.

Amendments to the Previously Presented Claims

Claims 20, 21, 26, 27, 28, 29, and 31 have been amended to delete unnecessary references to the claim language "at least one." No estoppel should be implied or imposed as a result of this amendment as the amendment is made for no other reason than to improve the 'plain English' readability of the claims. This amendment is not made for reasons related to patentability including 35 U.S.C. § 112, ¶ 2 should such reasons even exist.

Claims 22 and 23 have been amended for grammatical reasons; for example, in claim 23, "a encryption" now reads "an encryption." Again, no estoppel should be implied as these amendments are made solely for grammatical propriety and not any reasons related to patentability.

New Claims 33-37

The Applicant has introduced new claims 33-37. Claim 33 recites:

a second distribution server coupled to a second media file database, the second media file database configured to store media files, wherein one or more of the media files have been compressed prior to storage in the second media file database.

Support for this amendment may be found in the specification with respect to discussion concerning "a file distribution server 12 (which includes media file database system and client database 20)." The specification discloses that some embodiments of the present invention may be "fault-tolerant" such that they presently claimed media distribution system may "maintain service to users in the event one or more servers should become off-line." To provide for such exemplary peer-to-peer fault-tolerance, "each file distribution server installation [may be] comprised of a plurality of request servers . . . and a plurality of media file servers." The second distribution server and associated second media file database represent what may be referred to as an additional 'node' or 'distribution point' in a fault-tolerant peer media distribution network.

In this context, claims 34 and 35 recite, respectively:

wherein the computing device is further configured to determine if the distribution server is no longer able to simultaneously deliver the requested one or more of the media files identified in the routed user requests to the requesting users in less-than-real-time after commencing delivery of the requested one or more media files

and

wherein the computing device is further configured to re-route responsibility for the continued delivery of the requested one or more media files to the second distribution server.

As noted by the specification, network traffic directors "route incoming requests to an operational server . . . able to service [a user] request" for content. "In the event of a server failure, the network traffic director . . . will detect the failure and transfer the requests being handled by that server to another server . . . able to continue processing the request." Claim 34 references an exemplary situation where "the distribution server is no longer able to simultaneously deliver the requested one or more of the media files identified in the routed user requests to the requesting users in less-than-real-time."

It should be noted that 'failure' may be construed as a relative term spanning the spectrum from total network collapse to an event less extreme (and as is recited in claim 34) such as the inability to deliver content in a time period less than real time. Claim 35 is directed to the situation where the distribution responsibilities of the first server are reassigned to the second server because of the aforementioned inability to continue delivering content in less-than-real-time.

Claim 36 and 37 are similar in scope to claims 34 and 35. The claims differ, however, in that claims 34 and 35 concerned the ability to deliver content in less-than-real time. Claims 36 and 37 cover the scenario whereby distribution responsibilities may be reassigned "to optimally transmit a given media file to one or more clients." Thus, delivery may continue to occur in less-than-real-time but another distribution server may be able to achieve delivery in an even more optimal manner (e.g., x1.5 acceleration versus x2.0 acceleration) than the first server. Thus, various peers in the network may distribute content to a requesting client in a dynamic and automatic fashion.

It should be noted that the embodiments recited in claims 33-37 are not limited, exclusively, to fault-tolerance. These claimed embodiments may also be implemented to improve network reliability and performance. Thus, implementations for fault-tolerance should not be construed as a required limitation but, instead, an exemplary benefit of practice of the presently claimed invention.

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CONCLUSION

No new matter is introduced through the present amendment and consideration of the newly added claims is respectfully requested.

The Examiner is invited to contact new counsel of record with any questions at the number set forth below.

Respectfully submitted,
Scott D. Redmond

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